

1 PETER GOODMAN, ESQ.  
2 State Bar No. 65975  
3 400 Montgomery Street, Second Floor  
San Francisco, California 94104  
Telephone: (415) 781-8866  
Facsimile: (415) 781-2266

5 Attorney for Defendant  
MARIO OCHOA-GONZALEZ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

17 The United States of America, by its attorneys, Melinda Haag, United States  
18 Attorney, and Assistant United States Attorney ("AUSA") W.S. Wilson Leung, of counsel,  
19 and defendant MARIO OCHOA-GONZALEZ, by his attorney, Peter Goodman, hereby  
20 submit this Stipulation and [Proposed] Order requesting that the August 23, 2012, date  
21 currently set for the preliminary hearing in this matter be converted to a date for a status  
22 conference and the preliminary hearing in this matter be set for September 24, 2012.

23 || The parties hereby stipulate and agree to the following:

24 1. On March 13, 2012, defendant MARIO OCHOA-GONZALEZ was charged  
25 in a criminal complaint with violating 21 U.S.C. §841(a)(1) and (b)(1)(B) and 18 U.S.C.  
26 §924(c)(1)(A) and 2. The defendant was arrested and subsequently brought before the  
27 Honorable Nathanael M. Cousins on March 15, 2012. Federal Public Defender ("FPD")  
28 Steven Kalar was appointed to represent the defendant who waived his right to seek bail

without prejudice to any future bail applications.

2. After his initial appearance, AUSA Leung and FPD Kalar attempted to resolve this matter prior to the filing of an indictment. However, on April 16, 2012, due to a conflict of interest, FPD Kalar withdrew as counsel of record for defendant OCHOA-GONZALEZ and Peter Goodman was appointed as CJA counsel for the defendant.

3. Since Mr. Goodman's appointment, the parties have continued their plea discussions and have made progress toward a resolution of this matter but need some additional time to accomplish that resolution. Accordingly, the parties request that the August 23, 2012, date currently set for the preliminary hearing to be converted to a status conference date and the preliminary hearing in this matter be continued to September 24, 2012, in order for the parties to pursue their plea discussions. Should this request be granted, the parties submit and agree that time should properly be excluded under the Speedy Trial Act until September 24, 2012, in the interests of justice and to ensure the effective assistance of counsel.

SO STIPULATED

DATED: August 20, 2012

MELINDA HAAG  
United States Attorney

**SO STIPULATED**

DATED: August 20, 2012

/s/  
**PETER GOODMAN**  
Attorney for Defendant  
**MARIO OCHOA-GONZALEZ**

111

## ORDER CONTINUING PRELIMINARY HEARING

Based on the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that the date for the preliminary hearing in this matter, which is presently set for August 23, 2012, be converted to a status conference date and that the preliminary hearing be continued to September 24, 2012. ~~The parties further stipulate and agree that time under the Speedy Trial Act be excluded through September 24, 2012.~~

**DATED:** August 22, 2012

A circular seal of the United States District Court, Northern District of California. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "NORTHERN DISTRICT OF CALIFORNIA" at the bottom. The inner circle contains the text "ELIZABETH D. LAPORTE" on the left and "JUDGE" on the right. Overlaid on the center is a red rectangular box containing the text "IT IS SO ORDERED" and "AS MODIFIED" on the top line, and "Elijah R. D. Laporte" and "Judge Elizabeth D. Laporte" on the bottom line. The signature "Elijah R. D. Laporte" is written in blue cursive script across the bottom of the box.